



JC02 Rec'd PCT/PTO 13 JUN 2005

67074-312419
PATENT

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John Jenkins

Serial No.: 10/511,001

Filed: October 12, 2004

For: COMBINATION OF AN
AGENT THAT ATTENUATES
TOPOISOMERASE I
ACTIVITY AND AN AGENT
THAT INHIBITS HEAT SHOCK
PROTEIN 90 FOR USE IN
CHEMOTHERAPY

) Art Unit: Unassigned
)
)

) Examiner: Unassigned
)
)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Dear Sir:

In response to the Notification of Missing Requirements mailed on March 28, 2005, enclosed is an inventors' declaration submitted pursuant to 37 C.F.R. § 1.497 (a) and (b). This response is being filed along with a one-month petition for extension of time pursuant to 37 C.F.R. § 1.136(a) and 37 C.F.R. § 1.17(a).

REMARKS

In the Notification of Missing Requirements, the Formalities Examiner stated that a Sequence Listing must be submitted for the subject application. Applicant respectfully disagrees. The present application recites chemical formulae (see, e.g., page 7 of the specification), but does not recite or claim nucleotide and/or amino acid sequences. While it is recited in the specification, for example, that sequences for Topoisomerase I are known in the art (see page 3 of the specification), the known sequences of Topoisomerase I do not form part of Applicant's invention. The fact that the sequences are known to the art is recited to provide background material for Applicant's recital of his invention. Thus, a Sequence Listing is not being submitted at this time.

Applicant intends this to be a fully compliant response to the Notification of Missing Requirements. If, for any reason, the Office still believes that a Sequence Listing is required for the present application, Applicant requests that he be provided an opportunity to submit such a Sequence Listing.

CONCLUSION

Please proceed to examine the patent application submitted on the above-noted filing date.

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If it should be determined, for any reason, that an insufficient fee has been paid, please charge any insufficiency to ensure consideration of the present application to Deposit Account No. 16-1805.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: June 9, 2005

By: _____


Richard H. Zaitlen
Registration No. 27,248
Attorney for Applicant(s)

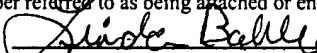
725 South Figueroa Street
Suite 2800
Los Angeles, CA 90017-5406

Telephone: (213) 488-7100
Facsimile: (213) 629-1033

CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being



Signature

Date: ¹⁰June 9, 2005

LINDA E. BAKKE

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.



Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (Le., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



Addendum

1. PILLSBURY WINTHROP SHAW PITTMAN LLP

PCT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,001	John Jenkins	067074-0312419

INTERNATIONAL APPLICATION NO.

PCT/GB03/01613

I.A. FILING DATE	PRIORITY DATE
04/15/2003	04/15/2002

27496
PILLSBURY WINTHROP LLP
725 S. FIGUEROA STREET
SUITE 2800
LOS ANGELES, CA 90017



CONFIRMATION NO. 6708

371 FORMALITIES LETTER



OC000000015581134

Date Mailed: 03/28/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/12/2004
- Copy of the International Search Report filed on 10/12/2004
- Preliminary Amendments filed on 10/12/2004
- Biochemical Sequence Listing filed on 10/12/2004
- Small Entity Statement filed on 10/12/2004
- U.S. Basic National Fees filed on 10/12/2004
- Priority Documents filed on 10/12/2004

RECEIVED
PILLSBURY WINTHROP LLP/LA

APR 01 2005

CL# 067074 MT# 03/2419
ATTY(S) MAPLE & CLARK
DUE: MAY 28, 2005
DKT BY (1) MCK (2)

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e),

1.821(f), 1.821(g), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,001	PCT/GB03/01613	067074-0312419